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Serial No. 10/588,199
May 12, 2010

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The Examiner's objection to earlier specification/claim amendments changing "spouting" to "jetting" and/or "spout" to "jet" is respectfully traversed. Contrary to the Examiner's comments, the applicants are in no way attempting to change the characteristic of the device as originally described. Indeed, it will be noted that the original title of this application refers to it as a "water jetting device".

Furthermore, the attached extracts from The American College Dictionary (circa 1962) for the root words "jet" and "spout" demonstrate that to spout water is to discharge or emit water in a stream with some force...in a jet or continuous stream, to issue with force, as liquid through a narrow orifice, etc. Similarly, to jet water refers to a stream of water produced by efflux from a nozzle, orifice, etc., e.g., from a spout used for such purpose, to shoot forth in a stream; spout.

Accordingly, it is respectfully submitted that the terms "jet" and "spout" and derivatives thereof as used in the context of this specification are synonymous – and no attempt has been made to change that or to use any arguable "distinction" between "spouting" and "jetting" to distinguish from the prior art.

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Instead, because it is more common in the United States to use the word "jetting" than the word "spouting", something of which perhaps the translator involved in creating the English translation of this application was unaware, an attempt was merely made to adopt the more common colloquial language usage of the United States at the current time.

In any event, the above amendments to the abstract, specification and claims now revert to the original "spout" or "spouting" words so as to obviate this ground of objection.

In addition, claim 1 has now been amended so as to incorporate the limitations of earlier dependent claim 3 (which has now been cancelled).

The Examiner also objects to the claim language referring to the relative numbers of skin receptors in different areas of the foot. Accordingly, to obviate this ground of objection, that language has now been eliminated from claim 1.

Because the above amendments address formality-based issues raised for the first time in the last office action, do not introduce any new issues and present the claims in better form for consideration on appeal (by eliminating the Examiner's stated objections), entry of such amendment is believed to be appropriate under 37 C.F.R. §1.116, and such entry is respectfully solicited.

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The rejection of claims 1-4 and 14 under 35 U.S.C. §102 as allegedly being anticipated by Rolando '503 is respectfully traversed.

To assist the Examiner in analyzing some of the more salient features of claim 1, the following listing of four identifiable features is provided:

- ① the foot-front water spouting section has a plurality of water-spouting nozzles arranged side-by-side in the foot width direction for each of the right and left foot;
- ② the spouting width traverses the width of the foot;
- ③ the control section sets the spouting width to be shorter than an entire length of the foot in the longitudinal direction so as to cause portions receiving the spouted water and portions receiving no spouted water from said foot-front water spouting section; and
- ④ the control section is configured to control the water-spouting section direction moving mechanism so as to move the portions receiving the spouted water, in turn, along the longitudinal direction of the foot from a toe side to an ankle side by moving said spouted water spouted with the spouting

width toward said portions having received no spouted water
at the foot front.

Feature ① is supported by original claim 3. Feature ② is supported by Fig. 4. Feature ③ is supported by Figs. 3, 5 and 11. Feature ④ is supported by the specification at page 20, line 18 to page 21, line 5, and Fig. 3.

An object of the present invention configured as in claim 1 is to provide a foot water-spouting device in which (a) the various skin receptors existing on the foot front can effectively receive stimulation in such a way that a lowering of sensitivity by adaptation hardly occurs, and (b) a more comfortable feeling can be obtained. See, e.g., the specification at pages 1, 7 and 20-21.

More concretely, as described in the specification at page 20:25 to page 21:1, and page 30:26 to page 31:2, an object of the present invention is to provide a foot water-spouting device in which the respective skin receptors receive intermittent stimulation, so that a dulling of reaction due to adaptation can be effectively prevented.

The foot-front water-spouting section has a plurality of water-spouting nozzles arranged side-by-side in the foot width direction for each of the right and left foot, and the water-spouting nozzles spout water with a spouting width traversing the width of the foot so as to cause a part of the foot in a longitudinal direction of the foot to receive the

spouted water. In addition, the spouted water is moved, in turn, from portions receiving the spouted water toward the portions having received no spouted water along the longitudinal direction of the foot from a toe side to an ankle side.

That is, the claimed device is contrived to spout the water with a spouting width of which length in the foot width direction is broad while a length in the longitudinal direction is narrow.

In end portions of the foot, the receptors constituting cutaneous sensors are densely arranged in a short axial direction of the foot, while roughly (sparsely) arranged in a long axial direction of the foot. For example, see the specification at page 18:16-21 and elsewhere.

Therefore, when the water is spouted with such spouting width, and water arrival points are arranged in a short axial direction of the foot so as to traverse the width of the foot, it becomes possible for the skin receptors to effectively sense a difference in stimulations or incentives caused in a water spouting region.

Further, when a water spouting portion at the front- foot surface is moved in the longitudinal direction of the foot from the portions receiving the spouted water to the portions receiving no spouted water, the respective skin receptors existing on the front-foot surface would intermittently receive the stimulations. In other words, a portion

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receiving the stimulation is moved, in turn, toward a portion having received no stimulation yet in the longitudinal direction of the foot, so that it becomes possible for a user to obtain a high massage effect.

Accordingly, for the purpose of intermittently stimulating the skin receptors, the foot water-spouting device of the present invention is designed such that the foot-front water-spouting section has a plurality of water-spouting nozzles arranged side-by-side in the foot width direction for each of the right and left foot, and the water-spouting nozzles spout water with a spouting width traversing the width of the foot so as to cause a part of the foot in a longitudinal direction of the foot to receive the spouted water and the direction of the spouted water is moved, in turn, from portions receiving the spouted water toward the portions having received no spouted water along the longitudinal direction of the foot from a toe side to an ankle side.

As a result, it becomes possible to effectively stimulate many skin receptors existing on the foot-front. In addition, since the receptors are intermittently stimulated, adaptation with respect to the stimulations should not occur for a long time, whereby it becomes possible to provide a lasting and sustainably comfortable feeling, and it is also possible to provide an effective massage effect.

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The structures and effects of the present invention are quite different from those of the cited references.

Rolando discloses an automatic foot washing apparatus comprising a rotatable foot-front water spouting section 143 for spouting the water to a front side of a foot of a user. The rotatable foot-front water spouting section 143 is formed as a sprayed manifold which is rotatable for uniformly spouting the water onto an entire front side of the foot as shown in Rolando's Fig. 3.

However, as shown in Fig. 3 of Rolando, the foot-front washer spouting section is used for washing the foot. Therefore, the foot-front water spouting section 143 is configured to comprise a plurality of water nozzles that are densely arranged and the water spouted out from the nozzles abuts an entire surface of the foot in a longitudinal direction.

In addition, Rolando neither discloses or suggests that the water-spouting nozzles spout water with a spouting width that traverses the width of the foot and is specified to be shorter than an entire length of the foot in the longitudinal direction so as to cause a part of the foot in a longitudinal direction of the foot to receive the spouted water.

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Furthermore, Rolando does not disclose that the direction of the spouted water is moved, in turn, from portions receiving the spouted water toward the portions having received no spouted water along the longitudinal direction of the foot from a toe side to an ankle side for the purpose of intermittently spouting the water onto an entire foot-front.

The Rolando structure is quite different from that of applicants' claim 1 in which the spouted water has a limited spouting width partially abutting the foot in a longitudinal direction.

In the applicants' claim 1 structure, the water spouting width with respect to the longitudinal direction of the foot is intentionally limited to be narrow so as to effectively stimulate the different receptors sequentially.

Given such fundamental deficiencies of Rolando with respect to independent claim 1, it is not necessary at this time to discuss additional deficiencies of Rolando with respect to other aspects of the rejected claims. Suffice it to note that, as a matter of law, it is impossible to support a *prima facie* case of anticipation unless the cited single reference teaches each and every feature of each rejected claim.

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The rejection of claims 10, 11 and 15 under 35 U.S.C. §103 as allegedly being made “obvious” based on Rolando taken alone is also respectfully traversed – for reasons already discussed above.

As noted above, the structural distinctions between applicants’ claim 1 and Rolando go far beyond that which the Examiner here recognizes. Furthermore, there is no suggestion anywhere in Rolando of the applicants’ objectives, nor any effective structure for achieving those objectives.

The rejection of claims 1, 13 and 14 under 35 U.S.C. §103 as allegedly being made “obvious” based on Desnoyers ‘079 is also respectfully traversed.

The rejection of claims 5-8 and 15-17 under 35 U.S.C. §103 as allegedly being made “obvious” based on Rolando/Desnoyers in further view of Pisani ‘447 is also respectfully traversed.

Desnoyers and Pisani disclose massaging devices. However, neither of these references discloses the concept of spouting the water onto the foot-front of a user. Furthermore, neither reference discloses that the water-spouting nozzles spout water with a spouting width that traverses the width of the foot and is specified to be shorter than an entire length of the foot in the longitudinal direction and the direction of the

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spouted water is moved, in turn, from portions receiving the spouted water toward the portions having received no spouted water along the longitudinal direction of the foot.

Therefore, even in a case where the structures of all three references are combined, the structure of applicants' claim 1 is not realized. For example, none of the references discloses or suggests a possibility of combining features such that the water-spouting nozzles spout water with a spouting width that traverses the width of the foot and is specified to be shorter than an entire length of the foot in the longitudinal direction and the direction of the spouted water is moved, in turn, from portions receiving the spouted water toward the portions having received no spouted water along the longitudinal direction of the foot.

In view of the fundamental deficiencies with respect to parent claim 1 already noted above regarding all of these references, whether taken singly or in combination, it is not necessary at this time to identify additional deficiencies of these references or the allegedly "obvious" combination thereof. Suffice it to note that, as a matter of law, it is impossible to support even a *prima facie* case of "obviousness" unless the cited prior art teaches or suggests each and every feature of each rejected claim.

The Examiner is thanked for providing a "response to arguments" section bridging pages 6-7 of the last office action. The above amendments/arguments are

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hoped to address the Examiner's comments and to obviate any concern about patentable distinctions between the applicants' claimed invention and the cited prior art. If any such concerns continue, it is respectfully requested that the Examiner particularly point out any remaining concerns.

Accordingly, this entire application is now believed to be in allowable condition, and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

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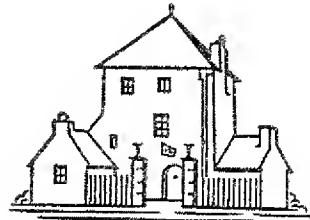
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